

In the Matter of Merchant Mariner's Document No. Z-474878-D3 and
all other Seaman Documents
Issued to: Francisco C. Aguilar

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1374

Francisco C. Aguilar

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 7 September 1962, an Examiner of the United States Coast Guard at New York, New York, revoked Appellant's seaman documents upon finding him guilty of misconduct. The seven specifications found proved allege that while serving as an able seaman under authority of a temporary document, in April, May and June 1962, Appellant failed to stand a watch, failed to join his ship, and failed to perform his duties due to intoxication on five different occasions. Appellant pleaded guilty to the latter five offenses.

This appeal consists solely of a plea for clemency in view of Appellant's good record during most of his twenty-two years at sea. Appellant claims that he started drinking in recent years due to family difficulties but he realizes now that he must stop drinking completely and intends to do so in order to lead a respectable life.

Appellant's prior record consists of an admonition in 1956 and suspensions in 1958, 1959, 1960 and 1961 for an extraordinary number of offenses of failing to perform his duties on various ships, usually as the result of intoxication.

OPINION

Clemency will not be granted in view of Appellant's extensive prior record of similar offenses during the past five years. The conduct presently under consideration occurred while Appellant was serving under a temporary document which was issued pending the outcome of an appeal from a previous order of suspension which was modified to a one year outright suspension plus probation in Commandant's Appeal Decision No. 1325 of 2 August 1962. As stated therein, Appellant's conduct indicates a complete rejection of responsibility. Consequently, it would not be fair to other seamen

to subject them to the possibility of dangerous situations which might arise if Appellant were allowed to go to sea and continued to shirk his duties. Furthermore, it is not considered to be appropriate to rehabilitate seamen in such cases as this by permitting them to go to sea.

ORDER

The order of the Examiner dated at New York, New York, on 7 September 1962, is AFFIRMED.

D. McG. MORRISON
Vice Admiral, United States Coast Guard
Acting Commandant

Signed at Washington, D. C., this 11th day of March 1963.